



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: BIANCA D. LORENZ AND BRIAN E. LORENZ

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0252-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 133

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0252-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a seven-foot rear yard setback where 15 feet is required for a proposed Patio Cover.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed Patio Cover that will not meet the rear yard setback requirement at 6107 Whispering Sands Drive.

ISSUES

- A Variance is requested to allow a seven-foot rear yard setback where 15 feet is required for a proposed Patio Cover. Staff does not support the request.

ANALYSIS

The subject site is zoned R-E (Residence Estates) and is subject to Title 19 development standards. The purpose of the R-E (Residence Estates) zoning district is to provide low density residential units located on large lots and convey a rural environment. The subject site is developed with a single-family dwelling. The applicant is requesting to construct a patio cover that will encroach into the rear yard setback area.

Per Title 19.06.060, Patio Covers shall have a 15-foot rear yard setback. The applicant is requesting to construct a patio cover with a seven-foot rear yard setback to post with approximately a two-foot overhang.

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

FINDINGS (24-0252-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

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Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a patio cover that encroaches into the rear yard setback area. Constructing a patio cover that meets setback requirements would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/12/21	The Planning Commission approved a Tentative Map (21-0518-TMP1) for a proposed eight-lot single-family, detached residential subdivision, Variances (21-0518-VAR1 through VAR5) to allow a 30-foot rear yard setback where 35 feet is required for lots 1, 6, 7, 8 and a Variance (21-0518-VAR6) to allow external rural street standards where Title 19 standards are required on 4.21 acres at the southwest corner of Whispering Sands Drive and Jones Boulevard. Staff recommended denial.
12/21/21	The Department of Community Development - Planning Division processed a request for a Final Map Technical Review (100189-FMP) for an eight-lot single-family, detached residential subdivision (Jones & Whispering Sands) on 4.21 acres at the southwest corner of Whispering Sands Drive and Jones Boulevard. The map was recorded on 06/23/22. (Book:167, Page:098)

<i>Most Recent Change of Ownership</i>	
02/02/24	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
03/14/23	A building permit (P23-00374) was issued for a Plot Plan at 6107 Whispering Sands Drive.
03/18/24	A building permit (#R24-03379) was issued for the installation of a new pool and spa at 6107 Whispering Sands Drive.
04/07/24	A building permit (#R24-05001) application was processed for a patio cover at 6107 Whispering Sands Drive. A permit has not been issued.

Pre-Application Meeting	
05/06/24	A pre-application meeting was held with the applicant and the submittal requirements for a Variance were discussed.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
05/28/24	Staff conducted a routine field check and observed a single-family residential dwelling.

Details of Application Request	
Site Area	
Net Acres	0.42

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Tule Springs	Y
Special Area and Overlay Districts	Compliance
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	18,000 SF	18,295 SF	Y
Patio Cover Setback to Post <ul style="list-style-type: none"> • Rear 	15 Feet	7 Feet	N*
Max. Patio Cover Height	12 Feet	12 Feet	Y

*A Variance is requested to allow a seven-foot rear yard setback where 15 feet is required for a proposed Patio Cover.